

MINUTES OF THE MEETING OF THE BOARD OF MASSAGE THERAPY

May 27, 2016

These minutes were
approved by the Board on
August 19, 2016

1. ROLL CALL

The meeting of the Board of Massage Therapy was called to order by Hupka, Chairperson, at 9:33 a.m. in the Chamber Room, Country Inn & Suites, 5353 N. 27th Street, Lincoln, Nebraska. Copies of the agenda were mailed to the Board members and other interested parties in accordance with the Open Meetings Law.

The following members answered roll call:

<u>Members Present:</u>	Kim Adams Johnson	-	Vice-Chair
	Michelle Helaney	-	Member
	Keli Hupka	-	Chairperson
	Brian Allison	-	Secretary
<u>Others Present:</u>			
Ami Huff, Assistant Attorney General			
Kris Chiles, Program Manager, Licensure Unit			
Carla Cue, Investigator			
Dennis Scott, Investigator			
2 other investigators			

2. ADOPTION OF AGENDA

MOTION: Allison moved, seconded by Helaney, to adopt the agenda. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

3. APPROVAL OF MINUTES (4-22-16)

MOTION: Helaney moved, seconded by Adams Johnson, to approve the minutes of 4-22-16. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

4. INVESTIGATIVE REPORTS & OTHER CONFIDENTIAL INFORMATION – CLOSED SESSION

MOTION: Adams Johnson moved, seconded by Helaney, to enter into closed session at 9:34 a.m. to hear discussions of an investigational/confidential nature for the prevention of needless injury to the reputation of the individuals. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

9:50 a.m. - Cue, Scott, and other 2 investigators departed meeting

MOTION: Adams Johnson moved, seconded by Helaney, to enter into open session at 10:11 a.m. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

10:11 a.m. - Break

10:14 a.m. - Meeting resumed

Teresa Hampton, Department attorney, entered meeting

5. REVIEW AND RECOMMENDATIONS – OPEN SESSION

- Applications, Reinstatements, Out-of-State Training Programs

Sophia Lord

MOTION: Adams Johnson moved, seconded by Allison, to issue the massage therapist license with no terms and conditions. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

6. UNFINISHED BUSINESS

- a. Continued Discussion Relating to Mobile Massage Request

Deana Briggs provided a letter to the Board asking that the law be changed to allow mobile massage. Her letter provided the following pros/cons and proposal:

Pros:

- Drive to home and all client would have to do is come out to the street or their driveway
- I relax them so much that it is safer for me to drive than for my clients
- I have clients that are not able to travel due to their pain or disability level
- I use hydroculator, so I am unable to bring those with me to the client's home
- I am unable to set up/take down and carry my table on a daily basis
- I want to go to the client home, but not into their home
- People don't want to be at home because they may not have the extra space, kids, spouse, animals are all distractions that they cannot control

Cons:

- Harder to inspect on a surprise visit
- Do an initial inspection and then call and set up an appointment as a client

Proposal: Treat this as an establishment...must have an establishment license and all the orders that go with it (bathroom, running warm/cold water, closed place for clean linens/chemicals, privacy to dress/undress, and establishment fee)

Adams Johnson had done some research and found:

- Many states do not license massage establishments.
- Tennessee does regulate mobile massage therapy establishments. A business can be fixed or permanent or can be mobile. A mobile establishment meets the same requirements as a fixed establishment.
- Some of the issues include zoning, privacy and safety if disaster strikes

The Board reviewed the definition of a massage therapy establishment and the inspection section on physical structure. They discussed looking into adding a definition for a mobile establishment in the future.

The Board discussed that a mobile establishment would not meet the definition of 172 NAC 82, item 14 (a) which reads:

14. Massage Therapy Establishment means any duly licensed place in which a massage therapist practices his/her profession of massage therapy. This does not include:
 - a. On-site massage performed at the location of the client;

The Board also discussed a mobile establishment does not meet the requirement of a clearly defined location in 172 NAC 82-004.01, item 1 as follows:

82-004.01 Structure, Equipment, and Sanitation: The massage therapy establishment must have the equipment necessary to provide massage therapy. This equipment must be clean, well-maintained, and in good repair.

1. **Physical Structure:** A massage therapy establishment must have a clearly identifiable location; each massage therapy establishment can be free-standing or part of an existing structure. The owner must ensure that the establishment is well ventilated and kept in a clean, orderly, and sanitary condition at all times.

There was a question asked about health fairs and how to advertise massage therapy. It was agreed that individuals could advertise as either a massage therapy business (if licensed) or by the name of the licensed massage therapist.

b. Consumer Brochure Revisions

The Board discussed adding content on what to expect as a client and to re-work the trafficking section.

c. Review/Revision of Board's Conviction Review Guidelines

MOTION: Adams Johnson moved, seconded by Hupka, to approve the revised Conviction Review Guidelines. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

7. NEW BUSINESS

a. Correspondence

Information had been received inviting Board members to Herzing's open house. It was discussed that members can attend as individuals but not to participate as though they were representing the Board.

8. UPDATES AND REPORTS

a. Nebraska Chapter AMTA

There was no information to report.

b. Federation of State Massage Therapy Boards

Adams Johnson reported she was at a meeting in Savannah, Georgia, last weekend. She commented the annual conference would be in Cleveland in October. Allison expressed an interest in attending.

MOTION: Adams Johnson moved, seconded by Helaney, to approve funding for attendance at the annual conference of the Federation of State Massage Therapy Boards. A roll call vote was taken. Voting aye: Adams Johnson, Allison, Helaney, Hupka (4). Voting nay: None (0). Absent: None (0). Motion carried.

c. **Statistics: Examination / Licensing / Administrative Penalties / Renewals / Disciplinary and Non-Disciplinary Information / School Report**

Chiles reported the following statistics:

Massage Therapist – 1373
Massage Therapist Establishment – 524
Massage Therapy School – 7

9. Adjournment

There being no further business, Hupka declared the meeting of the Board of Massage Therapy adjourned at 11:05 a.m.

Respectfully Submitted,

Brian Allison, Secretary
Board of Massage Therapy

Minutes completed by Nancy Herdman, Health Licensing Coordinator